

UNITED STATES DISTRICT COURT

for the
District of Arizona

DOB
09-18-17

United States of America
v.
Luis Arturo Lopez-Galaviz,
a.k.a.: Luis Lopez-Galaviz,
(A096 219 228)
Defendant

Case No. 17-9412 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 17, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Luis Arturo Lopez-Galaviz, an alien, was found in the United States of America at or near Tempe, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about October 22, 2012, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB
REVIEWED BY: Charles E. Bailey, P.S. for AUSA Brandon Brown

☒ Continued on the attached sheet.

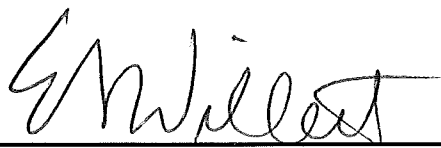
Sworn to before me and signed in my presence.

Date: September 18, 2017

City and state: Phoenix, Arizona


Complainant's signature

Marcus D. Leggett,
Deportation Officer
Printed name and title


Judge's signature

Eileen S. Willett,
United States Magistrate Judge
Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Marcus D. Leggett, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On September 17, 2017, while following a biometric lead from the Law Enforcement Support Center, the Phoenix ICE Criminal Alien Program and Law Enforcement Agency Response terminals screened Luis Arturo Lopez-Galaviz at the Tempe City Jail (TCJ), in Tempe, Arizona. While incarcerated at the TCJ, ICE Officer J. Schneider determined Lopez-Galaviz to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the city jail. On September 17, 2017, Lopez-Galaviz was released from the TCJ and transported to the Phoenix ICE office for further investigation and processing. Lopez-Galaviz was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Luis Arturo Lopez-Galaviz to be a citizen of Mexico and a previously deported alien. Lopez-Galaviz was removed from the United States to Mexico through Nogales, Arizona, on or about October 22, 2012, pursuant to the reinstatement of an order of removal issued by an immigration official. There is no record of Lopez-Galaviz in any Department of Homeland Security database to

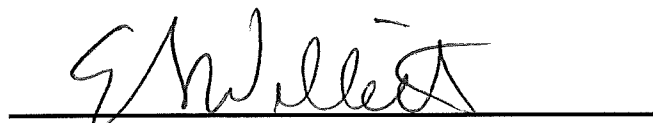
suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Lopez-Galaviz's immigration history was matched to him by electronic fingerprint comparison.

4. On September 18, 2017, Luis Arturo Lopez-Galaviz was advised of his constitutional rights. Lopez-Galaviz freely and willingly acknowledged his rights and declined to provide a statement under oath.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about September 17, 2017, Luis Arturo Lopez-Galaviz, an alien, was found in the United States of America at or near Tempe, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about October 22, 2012, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



Marcus D. Leggett,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 18th day of September, 2017.



Eileen S. Willett,
United States Magistrate Judge